

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

MATTHEW GIBSON,

Plaintiff,

vs.

Civil Action No. 5:21-cv-00181
Honorable Frank W. Volk

LOUISE E. GOLDSTON, individually,
COUNTY COMMISSION OF RALEIGH
COUNTY, a political subdivision,
JEFF MCPEAKE, individually,
BRIAN WHITE, individually,
BOBBY STUMP, individually,

Defendant.

**PLAINTIFF'S MOTION IN LIMINE REGARDING DEFENDANT
GOLDSTON'S STATE SUPREME COURT ADJUDICATION**

Now comes the Plaintiff, Matthew Gibson, by counsel, and moves this Court for an Order *in Limine* precluding defendants from presenting evidence, arguments or opinions inconsistent with the findings and rulings in West Virginia Supreme Court Case No. 20-0742, In re: the matter of The Honorable Louise E. Goldston, Judge of the 13th Family Court Circuit. In support hereof, Plaintiff states as follows:

Defendants indicated at their depositions that they disagree with the aforesaid State Supreme Court final adjudication pertaining to Defendant Goldston's judicial disciplinary charges. In particular, Defendant Goldston posed disagreements with both factual and legal findings by the State Supreme Court pertaining to her conduct herein. However her disagreement and argument against the State Supreme Court is not relevant under FRE Rule 401. Even if there were some probative value therein, such testimony or argument could serve to confuse and mislead the jury under FRE Rule

403. Moreover, Defendant Goldston is seeking to re-litigate her underlying judicial disciplinary issues, which is improper for reasons more fully briefed in the parties dispositive motions.

WHEREFORE, the Plaintiff respectfully requests that this Court grant his Motion *in Limine* Regarding Defendant Goldston's State Supreme Court Adjudication and order such evidence excluded from the trial of this matter.

MATTHEW GIBSON,
By Counsel

/s/ John H. Bryan
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For Plaintiff

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BRIAN WHITE, individually,
BOBBY STUMP, individually,
KYLE LUSK, individually,

Defendant.

CERTIFICATE OF SERVICE

I, John H. Bryan, do hereby certify that I have delivered a true copy of the foregoing PLAINTIFF'S MOTION IN LIMINE REGARDING DEFENDANT GOLDSTON'S STATE SUPREME COURT ADJUDICATION, has been served upon counsel of record by using the CM/ECF System, this the 6th day of June, 2022, and addressed as follows:

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